

**REMARKS**

Claim 1 is amended to incorporate the substance of limitations from Claim 6. Claim 2, which would be inconsistent with the method of Claim 1 as currently amended, is cancelled without prejudice. Claims 3 and 4 are revised for proper dependency. Claim 7 is revised to avoid redundancy with respect to currently-amended Claim 1. Claims 12-17 are cancelled without prejudice, and Claim 28 is revised to use the definite article "the" referring to "mobile communications device". Claims 1-5, 7-11, 28, and 29 remain, with no claim previously allowed.

Claims 1-7 and 29 stand rejected as unpatentable over *Bouve* (US 5,682,525) in view of *Hancock* (US6,202,023). Because Claim 1 now incorporates the substance of former Claim 6, the Applicants are addressing their remarks in response to the Examiner's rejection of that claim.

This rejection asserts that *Hancock* teaches "the user's communications device comprises a mobile communications device, and the different geographical location specified by the user is a previous location of the user's mobile communications device" at column 26, lines 19-22. The Applicants respectfully disagree and submit that *Hancock* fails to teach that specific limitation herein added to Claim 1, namely, detecting whether the search request is for a different geographical location identified by the user and being a previous location of the user's mobile device, and generating a search query for items of interest only within a defined proximity of that previous location. The cited passage in *Hancock* merely states "In this example, telephone number identification systems (ANI) can be used in conjunction with a database lookup table to determine predefined fixed locations of users based on an assigned telephone number." (In *Hancock*, "ALI" refers to

an automatic location identifying device, such as a GPS receiver or the like. See column 3, lines 4-5.) *Hancock* thus fails to teach or suggest those functions of the method in Claim 1, particularly the different geographical location identified by the user and being a previous location of the user's mobile communications device.

Furthermore, that limitation of Claim 1 is not suggested or taught elsewhere in *Hancock* or by *Bouve*. Although *Hancock* mentions manual input of location information in place of an ALI input (column 25, lines 24-28), that reference does not teach the user to enter different geographical information identified as a previous location of the user's mobile communications device.

Moreover, using an ANI system to determine predefined fixed positions of users based on the user's assigned telephone number would not work with mobile communications devices as recited in the method of Claim 1, which by their nature lack any fixed position relating to the telephone number assigned to mobile devices. *Hancock* thus would have taught one of ordinary skill away from the method including the elements of Claim 1.

Accordingly, Claim 1 defines a method that would not have been obvious to one of ordinary skill at the time the present Applicants made their invention, and so that claim is patentable over the applied art. Likewise, the claims depending from Claim 1 are patentable over that art.

The foregoing is set forth as a complete response to the Office Action identified above. The Applicants respectfully submit that the present application is in condition for allowance and solicit a notice to that effect.

Respectfully submitted,

MERCHANT & GOULD

Date: May 12, 2005

  
\_\_\_\_\_  
Roger T. Frost  
Reg. No. 22,176

Merchant & Gould, LLC  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
Telephone: 404.954.5100

